

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM HELMER,

Plaintiff,

vs.

**BRIAN GUEST and
KATHLEEN SOLOMON,**

Defendants.

CIVIL ACTION NO. 09-CV-11697

DISTRICT JUDGE PATRICK J. DUGGAN

MAGISTRATE JUDGE MONA K. MAJZOUN

**ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO SUPPLEMENT
PLEADING OR IN THE ALTERNATIVE MOTION TO AMEND RESPONSE (DOCKET
NO. 101)**

This matter comes before the Court on Plaintiff's Motion for Leave to Supplement Pleading or in the Alternative Motion to Amend Response, filed on October 27, 2010. (Docket no. 101). Defendants have not responded to the motion and the time for responding has now expired. All pretrial matters have been referred to the undersigned for action. (Docket no. 11). The Court dispenses with oral argument on the motion pursuant to E.D. Mich. LR 7.1(f). The motion is now ready for ruling pursuant to 28 U.S.C. § 636(b)(1)(A).

Plaintiff seeks leave to amend and or supplement his response to Defendant Guest's July 28, 2010 Motion to Dismiss and/or for Summary Judgment with regard to Plaintiff's reinstated false testimony claim. Plaintiff's response to that motion was due on or around August 21, 2010. On August 30, 2010 the Court granted Plaintiff's motion for an extension of time to respond to Defendant Guest's motion, giving Plaintiff until September 20, 2010 to file his response. (Docket

no. 76). The Court granted Plaintiff's request for an extension despite noting that Plaintiff had failed to establish good cause for the extension. On September 16, 2010 Plaintiff filed a sixty-one page response to Defendant Guest's motion, complete with attached exhibits. (Docket no. 79). Plaintiff now moves for leave to amend or supplement his response to the July 28, 2010 motion pursuant to Fed.R.Civ.P. 15(d).

Federal Rule of Civil Procedure 15(d) provides that a court may permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented. Pleadings are defined in Fed.R.Civ.P. 7(a) to include a complaint, an answer to a complaint, an answer to a counterclaim, an answer to a crossclaim, a third-party complaint, an answer to a third-party complaint, and in certain circumstances a reply to an answer. Plaintiff's response to Defendant's motion is not a pleading subject to Rule 15(d).

Plaintiff has failed to indicate his reason for requesting leave to supplement his response. The time for responding to Defendant Guest's July 28, 2010 motion has passed. Plaintiff has already been provided with an extension of time to respond to the motion. The Court is ready to rule on Defendant Guest's Motion to Dismiss and/or for Summary Judgment and finds that further delay is not warranted. Plaintiff's motion for leave to amend or supplement his response is denied.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Supplement Pleading or in the Alternative Motion to Amend Response (docket no. 101) is **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: November 16, 2010

s/ Mona K. Majzoub
MONA K. MAJZOUN
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon William Helmer and Counsel of Record on this date.

Dated: November 16, 2010

s/ Lisa C. Bartlett
Case Manager